

SUPPORT FOR THE AMENDMENT

Support for the amendment to claim 1 is found in claim 8 as originally presented. No new matter would be added to this application by entry of this amendment.

Upon entry of this amendment, claims 1-7, 9 and 11-19 will now be active in this application.

REQUEST FOR RECONSIDERATION

The claimed invention is directed to a skin cleansing composition as well as a method of skin cleansing.

Applicant wishes to thank examiner Channavajjala for the helpful and courteous discussion held with their U.S. representative on December 14, 2007. At that time, applicant's U.S. representative argued that the primary reference failed to disclose or suggest the claimed lipophilic amphiphile component (C) in a composition having an isotropic liquid phase exhibiting a bicontinuous structure. The following is intended to expand upon the discussion with the examiner.

Skin cleaning often faces the problem of concurrently removing oil-soluble and water-soluble material. Emulsion formulations can provide imbalanced cleansing ability favoring removal of the stains compatible with the continuous phase of the emulsion. Efforts to date with compositions of a bicontinuous structure have displayed difficulty with respect to cleansing ability, removability, as well as environmental compatibility. Accordingly, skin cleansing compositions demonstrating broad soil removing ability are sought.

The claimed invention addressed this problem by providing a skin cleaning composition comprising an oil component, a hydrophilic nonionic surfactant, a lipophilic amphiphile which is at least one amphiphile selected from the group consisting of **nonionic surfactants having an HLB value of 8 or less, fatty alcohols having 8 to 25 carbon atoms,**

fatty acids having 8 to 25 carbon atoms and monoalkylphosphoric acids having 8 to 25 carbon atoms, a water-soluble solvent and water, the composition having an isotropic liquid phase exhibiting a bicontinuous structure and a ratio of water-soluble substance to hydrophilic nonionic surfactant plus lipophilic amphiphile of at least 1. Applicant has discovered that such a composition having an isotropic liquid phase exhibiting a bicontinuous structure provides for effective skin cleaning of both oil and aqueous stains. Such a skin cleaning composition is nowhere disclosed or suggested in the cited prior art of record.

The rejections of claims 1-9 and 11-17 under 35 U.S.C. § 103(a) over von Corswant et al. U.S. 6,602,511 and of claims 1-9 and 11-19 over Mistumo et al. U.S. 4,767,625 in view of von Corswant et al. are respectfully traversed.

None of the cited reference disclose or suggest a skin cleansing composition having an isotropic liquid phase exhibiting a bicontinuous structure containing the claimed lipophilic amphiphile component (C).

Von Corswant describes a pharmaceutical vehicle for administration of active compounds of a microemulsion (column 1, lines 9-13). The microemulsion is comprised of a polar phase of water, an optional agent for obtaining isotonic conditions, and a modifier for adjusting polarity, a surfactant film modifier, a non-polar phase of a pharmaceutically acceptable oil and a mixture of hydrophilic and hydrophobic surfactants (column 3, lines 6-16). The hydrophobic surfactant is described as one of lecithin, sphingolipids and galactolipids (column 4, lines 1-2) while hydrophilic surfactants are described at column 4, lines 4-9). The composition provides **both** an oil-water microemulsion and a bicontinuous emulsion which can be converted one into the other by adjusting the amount of modifiers mixed with the water in the polar phase (column 4, lines 12-17).

The reference fails to identify a lipophilic amphiphile which is at least one amphiphile selected from the group consisting of nonionic surfactants having an HLB value of 8 or less,

fatty alcohols having 8 to 25 carbon atoms, fatty acids having 8 to 25 carbon atoms and monoalkylphosphoric acids having 8 to 25 carbon atoms in the microemulsion.

In contrast, the claimed invention is directed to a skin cleaning composition comprising an oil component, a hydrophilic nonoionic surfactant, a lipophilic amphiphile which is at least one amphiphile selected from the group consisting of nonionic surfactants having an HLB value of 8 or less, fatty alcohols having 8 to 25 carbon atoms, fatty acids having 8 to 25 carbon atoms and monoalkylphosphoric acids having 8 to 25 carbon atoms, a water soluble solvent and water having an isotropic liquid phase exhibiting a bicontinuous phase. Applicant notes that the claims have been amended to recite specific lipophilic amphiphile component (C). As the reference fails to disclose the claimed component (C) the claimed invention is not rendered obvious by this reference.

While the official action asserts that the disclosed “surfactants” reads on the claimed amphiphilic compounds, applicant notes that the reference states that the hydrophobic surfactant **is one of** lecithin, sphingolipids and galacto lipids. As such, the claimed lipophilic amphiphiles are not obvious over the reference as the claimed lipophilic amphiphiles are not lecithin, a sphingolipid or a galacto lipid.

Accordingly, the claimed invention is not rendered obvious by von Corswant.

The basic deficiencies of von Corswant are not cured by Mitsuno et al.

Page 4 of the official action states that Mitsuno et al “**do not teach the claimed lipophilic amphiphile.**” As applicant has more narrowly claimed the lipophilic amphiphile, the currently claimed component (C), in a composition having an isotropic liquid phase exhibiting a bicontinuous phase, would not have been rendered obvious by Mitsuno et al.

Since the cited combination of references fails to suggest component (C), in a composition having an isotropic liquid phase exhibiting a bicontinuous phase, the claimed

invention is not rendered obvious by the cited references and withdrawal of the rejections under 35 U.S.C. 103(a) is respectfully requested.

Claims 18-19

This embodiment of the claimed invention is directed to a skin cleaning method.

As previously noted, von Courswant is directed to a pharmaceutical vehicle for administration of active compounds and does not suggest any cleaning function for the disclosed microemulsion. Notwithstanding the deficiencies of von Courswant to disclose the claimed cleaning composition, the invention of claims 18 and 19 is further not obvious as the reference which describes a composition having a bicontinuous phase does not suggest a skin cleansing method.

Accordingly, claims 18 and 19 are separately patentable.

Applicant wish to thank the examiner for acknowledging consideration of the Information Disclosure Statement submitted on April 18, 2007.

Applicant submits that this application is now in condition for allowance and early notification of such action is earnestly solicited.

Respectfully submitted,

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